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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,840	12/12/2003	James A. Howell JR.	DC-05850	1971
33438	7590	12/10/2008	EXAMINER	
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720				RAHIM, MONJUR
ART UNIT		PAPER NUMBER		
		2434		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[tmunoz@hamiltonterrile.com](mailto:tmunoz@hamiltonterrile.com)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/734,840	HOWELL, JAMES A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MONJOUR RAHIM	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 September 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

***DETAILED ACTION***

1. This action is in response to the amendment and argument filed on ***9 September, 2008***.
2. ***Claims 1-17*** remain rejected under 35 U.S.C. 103(a) as being unpatentable over Valys David (US Patent No. 6549914) and in view of Coss et al. (US Patent No. 6154775).

***Responses to the Argument***

3. The applicant's arguments filed on ***9 September, 2008*** have been fully considered but they are not persuasive. In the Remarks, the applicant has argued in substance:

***Argument (claim 1, 8, 15)***

*(a) In Valys, there is not disclosure or suggestion of providing an identifier for a software application to a list of trusted applications during a factory install process, much less where the identifier is added to the list.*

***Response:***

Valys mention files preloaded image with the file identification. So, this identification is the identifier for a file, where file can be interpreted as software. Please see Abstract, “The system analysis statistically the bandwidth requirement of computer readable files to be downloaded to a target computer (88). Statistical file preload image with file identification and corresponding signatures are stored in a storage device. The files are ordered into list of files based on analyzed bandwidth. The difference images with preload image (60) are combined according to recombination instructions”.

***Argument (claim 1, 8, 15)***

*(b) Valys and Coss alone or in combination, do not teach or suggest a method for pre-trusting application for firewall application where the method includes adding an identifier for the software application to a list of applications during a factory install process.*

***Response:***

Coss discloses that the firewall load dynamic rules to perform action to identify the security status, which translate as “trust”. See Coss, col 10 , lines 5-17.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Valys David (US Patent No. 6549914), hereinafter Valys and in view of Coss et al. (US Patent No. 6154775), hereinafter Coss.

As per **claim 1**, Coss discloses:

- **reading an order for an information handling system** (Valys, Abstract, “The method includes statistically analyzing a bandwidth requirement of computer readable files to be downloaded to a target computer during a software download portion of a computer manufacturing process”), where computer readable file is the “reading” as claimed;

- **installing a software application onto the information handling system** (Valys, col 2, line 67 and col 3, lines 1-3, " a software vendor 42 delivers a new software application package, operating system, or other additional files 44 to the computer manufacturer 40 in preparation for use in a factory install");

- **adding an identifier for the software application to a list of trusted applications** (Valys, col 11, lines 18-22, “whereas the signatures enable unique identification of a respective file by the manufacturing server. The statistical file preload method of the present disclosure accordingly uses the file signature to determine which files, as identified by respective signatures, get downloaded the most in the manufacturing process”);

Valys does not explicitly teach **firewall trusted application**, however in a relevant art Coss discloses ( Coss, col 8, lines 28-39, “Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific

source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions. A dynamic rule can be set for single-session use, or its use can be limited as to time. Once a dynamic rule has served its function, it can be removed from the rule set. The dynamic rules allow a given rule set to be modified based on events happening in the network without requiring that the entire rule set be reloaded").

Therefore it would have been obvious to the one of ordinary skill in the art at the time of invention to incorporate teaching of Coss to Valys because one of the ordinary skills in the art would have been motivated to automate customize software installation including firewall application during manufacturing process, because most of the business want to use secure distributed environment.

As per ***claim 2***, claim1 is incorporated and Coss discloses:

**- wherein the list of trusted applications is generated within a manufacturing facility** (Valys, col 13, lines 34-41, " Upon a determination and identification of those files consuming the majority of bandwidth, a preloader system (whether located at the hard drive vendor site or at the computer system manufacturing site) preloads an image containing select ones of those files to the hard drive prior to a software download phase of the manufacturing process. The select files make up a statistical file preload list").

As per ***claim 3-4***:

Valys does not explicitly teach generating check-sum and MD5 signature, however official notice hereby taken that both are common and well-known in the art and MD5 hash algorithm available in the market.

The skilled person would have been motivated to do such settings because it is a common practice in the art.

As per ***claim 5***, claim1 is incorporated and Coss discloses:

**-The method of claim 1 wherein: the list of trusted applications is generated by the firewall application based upon a record of software that is installed on the information**

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**handling system in a manufacturing facility** (Valys, col 13, lines 34-41, "Upon a determination and identification of those files consuming the majority of bandwidth, a preloader system (whether located at the hard drive vendor site or at the computer system manufacturing site) preloads an image containing select ones of those files to the hard drive prior to a software download phase of the manufacturing process. The select files make up a statistical file preload list").

**Claims 6-8, 9-14** are rejected under the same reason set forth in connection of claims 3-4, 1, 2-7 respectively.

As per **claim 15**, Coss discloses:

- **a processor** (Valys, col 7, lines 7-13, "The preprocessing station may be of limited capacity for preloading a preload image up to a predetermined maximum size onto hard drives, prior to actual installation of the hard drives into target computer systems. Accordingly, the preprocessing station can reside at the hard drive vendor or at the computer manufacturer);

- **memory coupled to the processor** (Valys, col 12, lines 43-46, "Further as discussed herein, latency is a measure of lead-time needed from when an image is preloaded onto a hard drive to when the hard drive is at the factory ready to be installed into a target computer system");

- **an approved application file stored on the memory, the approved application** (Valys, col 13, lines 42-45, "in addition to bandwidth, other weighting factors are used in the selection of files to be included in the statistical file preload list");

Valys does not explicitly teach **firewall trusted application**, however in a relevant art Coss discloses ( Coss, col 8, lines 28-39, "Dynamic rules are rules which are included with the access rules as a need arises, for processing along with the access rules, e.g., by a rule processing engine. Dynamic rules can include unique, current information such as, for example, specific source and destination port numbers. They can be loaded at any time by trusted parties, e.g., a trusted application, remote proxy or firewall administrator, to authorize specific network sessions. A dynamic rule can be set for single-session use, or its use can be limited as to time. Once a dynamic rule has served its function, it can be removed from the rule set. The dynamic

rules allow a given rule set to be modified based on events happening in the network without requiring that the entire rule set be reloaded") and **a firewall application stored on the memory** (Coss, col 10, lines 22-25, "The invention can be implemented in a wide variety of applications. For example, the invention may be used to provide improved firewall performance in a dial-up access gateway").

Therefore it would have been obvious to the one of ordinary skill in the art at the time of invention to incorporate teaching of Coss to Valys because one of the ordinary skills in the art would have been motivated to automate customize software installation including firewall application during manufacturing process, because most of the business want to use secure distributed environment.

**Claims 16-17** are rejected under the same reason set forth in connection of claim 2, 5 respectively.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See form "PTO-892 Notice of reference cited").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONJOUR RAHIM whose telephone number is (571)270-3890. The examiner can normally be reached on 5:30 AM - 3:30 PM (Mo - Th).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz, Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monjour Rahim/

Patent Examiner

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Date: 12/05/2008

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434